

### SUPPORT FOR THE AMENDMENTS

This Amendment cancels Claims 42-63; and adds new Claims 64-86. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claim 64 is found in original Claim 15 and in the specification at least at page 33, lines 15 ff. Support for Claim 65 is found in original Claims 4, 5 and 15. Support for Claims 66, 68-70 and 72-86 is found in original Claims 15-34. Support for Claim 67 is found in the specification at least at page 10, line 13. Support for Claim 71 is found in the specification at least at page 5, line 16 ff. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 64-86 will be pending in this application. Claims 64, 76 and 85 are independent.

### REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

The present invention relates to dye-comprising aqueous polymer dispersions prepared by free-radical aqueous emulsion polymerization of ethylenically unsaturated monomers, in which at least some of the monomers are employed in the form of an oil-in-water emulsion E1 whose disperse phase comprises at least one oil-soluble dye. Specification at page 1, lines 4-9.

Claims 42-43 and 49-63 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,692,188 ("Ober"). Ober discloses a process for the preparation of ink compositions useful for jet printing processes which comprises (1) dissolving in water immiscible organic solvent a polymer composition and an organic oil soluble dye; (2) adding an aqueous phase water surfactant mixture thereto; (3) affecting emulsification thereof; and (4) subsequently

evaporating from the aforementioned mixture the solvent thereby resulting in an ink with dye trapped in polymer particles suspended in an aqueous phase. Ober at abstract.

However, Ober fails to suggest the limitations of independent Claims 64, 76 and 85 of, in copolymerized form, "at least one monoethylenically unsaturated monomer A having a water solubility  $> 0.01$  g/l and at least one monoethylenically unsaturated monomer B having a water solubility  $< 0.01$  g/l (at  $25^{\circ}\text{C}$  and 1 atm)". Ober fails to suggest polymers containing both polymerized monomers A having a water solubility above 0.01 g/l and also monomers B having a water solubility of below 0.01 g/l. Nearly all of the monomers mentioned by Ober belong to the group of monomers A. Thus, the skilled artisan would not have been motivated to combine monomers A with monomers B. In particular, the skilled artisan would not have expected that monomers B are beneficial for the preparation of the polymer particles and thereby improve the quality of the thus obtained dye-comprising aqueous polymer dispersion. In contrast, according to the present invention:

It has proven advantageous for the process of the invention, and especially for the stability of the emulsion E1, if the monomers to be polymerized include not only the monomers A having a water solubility  $> 0.01$  g/l but also monomers B which possess a water solubility  $< 0.01$  g/l (at  $25^{\circ}\text{C}$  and 1 atm). Specification at page 6, lines 10-14.

Because Ober fails to render obvious the claimed invention, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

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